

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2291

House Bill No. 1735*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(g)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The person is at least eighteen (18) years of age;

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(b), is amended by deleting the subsection and substituting instead:

(b) Except as provided in subsection (r), any resident of Tennessee who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department of safety for an enhanced handgun carry permit. If the applicant is at least eighteen (18) years of age and is not prohibited from possessing a firearm in this state pursuant to § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351(x)(1), is amended by deleting the language "twenty-one (21) years of age" and substituting instead the language "eighteen (18) years of age".

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

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Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 434

House Bill No. 477*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following as a new subdivision (a)(3):

(3) Subdivision (a)(1) does not prohibit a commissioned law enforcement officer from carrying a firearm when the officer is on or off duty.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(B)(i) and substituting:

The sign shall also include the phrases "As authorized by T.C.A. § 39-17-1359" and "All Tennessee law enforcement officers are exempt".

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(C)(i) and substituting:

The sign shall also include the phrases "As authorized by T.C.A. §§ 39-17-1351, 39-17-1359, and 39-17-1366" and "All Tennessee law enforcement officers are exempt".

SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subdivision (b)(1)(D) and substituting:

(D) Officers of the state, or of any county, city, or town, charged with the enforcement of the laws of the state, regardless of whether the officer is on duty;

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2806

House Bill No. 2663*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 16, is amended by creating the following new chapter:

16-23-101. Short title.

This chapter shall be known and may be cited as the "Mental Health Treatment Act of 2022."

16-23-102. Legislative intent.

(a) It is the intent of the general assembly through this chapter to create programs to facilitate the implementation of new, and the continuation of existing, mental health court treatment programs in all counties within this state.

(b) The goals of the mental health court treatment programs created under this chapter include the following:

(1) To reduce the use of jail and prison beds and other correctional services by offenders with mental health disorders by diverting them into treatment programs;

(2) To improve court efficiency by substituting a problem-solving model for traditional criminal court processing and linking defendants to effective treatment and supports for mental illness;

(3) To improve the quality of life of people with mental illnesses and increase their participation in effective treatment;



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(4) To promote the public safety by reducing the incidence of crimes committed as a result of mental health disorders; and

(5) To promote effective interaction and the use of resources among local criminal justice agencies and community agencies.

16-23-103. Definitions. As used in this chapter:

(1) "Nonadversarial approach" means that the district attorney general and the defense attorney work together for the benefit of the recovery court participants and the recovery court program;

(2) "Severe and persistent mental illness" means a diagnosis of one (1) or more qualifying mental illnesses or disorders, which shall be determined by the department of mental health and substance abuse services;

(3) "Sexual offender" means any person who has been convicted of or charged with a sexual offense or violent sexual offense as those terms are defined in § 40-39-202; and

(4) "Violent offender" means a person who has been convicted of or charged with an offense, during the course of which there occurred the death of or serious bodily injury to any person.

16-23-104. Establishment of mental health treatment courts.

Nothing contained in this chapter confers a right or an expectation of a right to treatment for an offender within the criminal justice system.

16-23-105. Administration by the department of mental health and substance abuse services. The department of mental health and substance abuse services shall administer the mental health treatment court programs by:

(1) Defining, developing, and gathering outcome measures for mental health treatment court programs relating to the purposes and goals in § 16-23-102;

(2) Collecting, reporting, and disseminating mental health treatment court program data;

- (3) Supporting a state mental health treatment mentor program;
- (4) Sponsoring and coordinating mental health court treatment program training;
- (5) Administering and evaluating mental health treatment court programs; and
- (6) Developing standards of operation for mental health treatment court programs to ensure that funds are allocated to meet the greatest need.

16-23-106. Funding.

(a) A court exercising criminal jurisdiction within this state or an existing drug court treatment program created by a court exercising criminal jurisdiction may apply for drug court treatment program grant funds. If the department of mental health and substance abuse services determines that the court is able to administer a mental health treatment court program, then the department shall award the court grant money to fund a mental health treatment court.

(b) If the department determines that a court is able to administer a mental health treatment court program and grant money is awarded pursuant to subsection (a), then the county in which the court resides shall provide a courtroom and a judge for the mental health treatment court and all necessary supplies and equipment for the maintenance of the court and shall defray the expenses thereof from the general fund of the county.

(c) Funds allocated pursuant to this section may be used to:

- (1) Fund a full-time or part-time program director position;
- (2) Fund treatment court program staff whose job duties are directly related to program operations;
- (3) Fund mental health treatment and other direct services for court program participants; and
- (4) Fund program costs directly related to program operations.

(d) Funds allocated pursuant to this section shall not be used:

- (1) To pay for costs not directly related to mental health treatment court program operations;
 - (2) To pay for additional judges to preside over a mental health treatment court program;
 - (3) For construction or land acquisition;
 - (4) To pay bonuses or commissions to any individuals or organizations;
- or
- (5) To form a corporation.

16-23-107. Guiding principles.

All mental health treatment court programs in this state shall be established and operate according to the following essential elements:

- (1) A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community to guide the planning and administration of the mental health court;
- (2) Eligibility criteria to:
 - (A) Address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses; and
 - (B) Take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered;
- (3) Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible;
- (4) Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for

positive legal outcomes for those individuals who successfully complete the program;

(5) Defendants fully understand the program requirements before agreeing to participate in a mental health court. Defendants are provided legal counsel to inform their decision concerning participation and subsequent decisions about program involvement. Disagreements between a district attorney and defense attorney are resolved prior to court and not in front of the participants. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency if those concerns arise;

(6) Mental health courts:

(A) Connect participants to comprehensive and individualized treatment supports and services in the community; and

(B) Strive to use, and increase the availability of, evidence-based treatment and services;

(7) Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing;

(8) A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process;

(9) Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery; and

(10) Data are collected and analyzed to demonstrate the impact of the mental health court, the mental health court's performance is assessed periodically, the mental health court's procedures are modified based the results of the periodic performance assessments, mental health court processes are institutionalized, and support for the mental health court in the community is cultivated and expanded.

16-23-108. Mental health treatment court program participants. Each participant in a mental health treatment court program:

- (1) Shall not be a violent offender or sexual offender;
- (2) Must have a diagnosis of a serious and persistent mental illness; and
- (3) Must be willing to participate in the program.

SECTION 2. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2701

House Bill No. 2330*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351(m), is amended by deleting the language "or renew" and by deleting the last sentence of the subsection.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (n) and substituting instead the following:

(n)

(1) A permit issued pursuant to this section shall entitle the permit holder to carry any handgun or handguns that the permit holder legally owns or possesses. An enhanced handgun carry permit shall not expire and shall continue to be valid for the life of the permit holder unless the permit holder no longer meets the requirements of this section. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as an enhanced handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

(2) After the initial issuance of an enhanced handgun carry permit, the department shall conduct a name-based criminal history record check every four (4) years.

(3)

(A) Upon discovery that an enhanced handgun carry permit holder no longer satisfies the requirements of this section, the department shall suspend or revoke the permit pursuant to § 39-17-1352. If the enhanced handgun carry



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permit holder's permit is suspended or revoked, the permit holder shall deliver, in person or by mail, the permit to the department within thirty (30) days of the suspension or revocation.

(B) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permit within thirty (30) days of the suspension or revocation, the department shall send notice to the permit holder that:

(i) The permit holder has thirty (30) days from the date of the notice to deliver the permit, in person or by mail, to the department; and

(ii) If the permit holder fails to deliver the suspended or revoked permit to the department within thirty (30) days of the date of the notice, the department will suspend the permit holder's driver license.

(C) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permit within thirty (30) days of the date of the notice provided by the department, the department shall suspend the permit holder's driver license in the same manner as provided in § 55-50-502.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351(o)(1)(D), is amended by deleting the subdivision and substituting instead:

(D) The permit number and issuance date.

SECTION 4. Tennessee Code Annotated, Section 39-17-1351(o)(2), is amended by deleting the subdivision and substituting instead the following:

(2) A permit holder whose enhanced handgun carry permit was issued prior to July 1, 2022, may submit the permit to the department of safety, who shall provide the permit holder with a replacement permit that does not include an expiration date. The department of safety may charge a reissuance fee of fifty dollars (\$50.00) for the replacement permit.

SECTION 5. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsections (q) and (x).

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it, and applies to enhanced handgun carry permits issued before, on, or after that date.